

## **REMARKS**

Applicant is in receipt of the Office Action mailed June 29, 2004. Claims 1-34 are pending in the present case. Reconsideration of the present case is earnestly requested in light of the following remarks.

### **Section 102 Rejections**

Claims 1-34 were rejected under 35 U.S.C. 102(b) as being anticipated by McDonald et al. (5,966,532, hereinafter "McDonald"). Applicant respectfully disagrees.

As the Examiner is certainly aware, anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 recites:

1. (Original) A method for creating a graphical program, the method comprising:  
displaying information indicating a plurality of program processes, wherein each program process has a corresponding graphical program template, wherein each graphical program template comprises a plurality of interconnected nodes;

receiving user input selecting a first program process from the plurality of program processes, wherein the first program process has a corresponding first graphical program template;

including the first graphical program template in the graphical program in response to the user input;

wherein said including the first graphical program template in the graphical program comprises programmatically including a plurality of interconnected nodes in the graphical program for performing the first program process.

The office action asserts that McDonald teaches all of the features and limitations of claim 1. Applicant respectfully disagrees.

As McDonald clearly describes in the Abstract,

According to the present invention, the user first selects a control and then preferably initiates the graphical code generation wizard for the control. When the graphical code generation wizard is invoked, the wizard displays on the screen a configuration panel or dialog, prompting the user to configure the control or object. The user then selects parameter values to configure certain aspects of the graphical code being created. The graphical code generation wizard selects a graphical code template in response to the control and configures the graphical code template with the parameter values. The graphical code generation wizard then creates an association between the control and the configured graphical code.

Thus, McDonald is directed to selection of a graphical code portion or template *based upon a user selected and configured control*. Moreover, nowhere does McDonald teach or suggest *displaying information indicating a plurality of program processes, wherein each program process has a corresponding graphical program template, wherein each graphical program template comprises a plurality of interconnected nodes*; nor does McDonald teach *receiving user input selecting a first program process from the plurality of program processes, wherein the first program process has a corresponding first graphical program template*. In other words, the basis and means for selection of graphical program templates taught by McDonald are very different from those of the present Application.

For example, the Office Action asserts that McDonald teaches “receiving user input selecting a first program process from the plurality of program processes” citing column 4, lines 37 through 41, which reads:

Alternatively, the system includes a single general purpose graphical code generation wizard program, and the user can further select from a plurality of different types of graphical code portions or templates, based on the desired application.

Applicant notes that the passage just before this citation reads:

For example, a first graphical code generation wizard may be stored for a first type of application, such as MMI applications, and a

second graphical code generation wizard may be stored for a second type of application, such as data acquisition applications. The first wizard includes a plurality of MMI graphical code portions or templates, and the second wizard includes a plurality of data acquisition graphical code portions or templates. The user can thus select the desired type of graphical code generation wizard based on the desired application.

In other words, McDonald's graphical program types refer to broad application domains, whose selection results in presentation to the user of graphical code portions, which are themselves selectable by the user for inclusion in the graphical program.

In direct contrast, on page 40, lines 6-15, the present invention recites:

For example, within the test and measurement and industrial automation fields, program processes often involve receiving input from and/or sending output to hardware devices. One typical program process may be referred to as "Acquire, Process, Display". In other words, a program based on this program process may acquire data from a device or UUT, process the data, and display the data. Another typical program process may be referred to as "Output, Wait, Acquire, Process, Display". In other words, a program based on this program process may output data to a device (e.g., a control signal), wait for a specified period of time (e.g., while the device responds to the control signal), acquire data from the device (e.g., data generated in response to the control signal), process the acquired data, and display the data.

Thus, in Applicant's system, the user specifies a *program process*, and a corresponding graphical program template is programmatically or automatically included in a graphical program or block diagram. As noted above, this is substantially different from McDonald, where the user selects a type of graphical code portion, e.g., an application domain, and a plurality of code portions are presented to the user, who then selects the desired portion to include in the program. Applicant further notes that in other embodiments, McDonald teaches user selection of a control (a user interface element), where the control has an associated graphical code portion, where the graphical code portion is included in a program in response to the selected control.

Applicant thus submits that the *program processes* of the present Application are substantially different from the *types of graphical code portions* of McDonald, and respectfully submits that McDonald neither teaches nor suggests all of the features and limitations of claim 1. Moreover, Applicant submits that McDonald actually teaches

away from Applicant's invention as represented in claim 1, in that in the system of McDonald the user must select a control, as well as a graphical code portion type, and then further select a specific code portion from a subsequently presented list of code portions. These features and limitations are not included in claim 1.

For at least the reasons presented above, Applicant respectfully submits that claim 1 and those claims dependent thereon are patently distinct and non-obvious over McDonald, and are thus allowable. Independent claim 21 includes similar limitations as claim 1, and so the arguments presented above apply with equal force to this claim. Applicant thus submits that claim 21 and those claims dependent thereon are similarly patently distinct and non-obvious over McDonald and are also allowable.

Claim 20 includes similar limitations as claims 1 and 21, but where the program process is a virtual instrument process. Applicant submits that the arguments presented above also apply to claim 20, and so claim 20 is similarly patently distinct and non-obvious over McDonald and is also allowable.

Regarding claims 10 and 28, the Office Action asserts that McDonald teaches all the features and limitations included therein. Applicant respectfully disagrees.

Claim 10 recites:

10. (Original) A method for creating a graphical program, the method comprising:

displaying a plurality of graphical program templates, wherein each template comprises a plurality of interconnected nodes;

receiving user input specifying a first template from the plurality of graphical program templates;

programmatically including the first template in the graphical program, wherein said programmatically including the first template in the graphical program comprises programmatically including the interconnected nodes of the first template in the graphical program;

for at least a first node that was programmatically included in the graphical program, performing the following:

displaying a graphical user interface (GUI) associated with the first node, wherein the GUI comprises information useable in guiding a user in specifying desired functionality for the first node;

receiving user input to the GUI specifying desired functionality for the first node;

programmatically including graphical source code associated with the first node in the graphical program, wherein the programmatically included graphical source code implements the specified functionality.

The Office Action asserts that McDonald teaches all the features and limitations of claims 10 and 28. Applicant respectfully disagrees, and submits that there are numerous aspects of claims 10 and 28 not disclosed by McDonald.

For example, the Examiner has improperly asserted equivalence between McDonald's "control or object", and the "first node" of claims 10 and 28. As McDonald makes clear, the control or object refers to a user interface element. For example, as the Abstract states, "The graphical programming system executing on the computer system also includes a plurality of *front panel objects or controls which represent the user interface.*"

In contrast, the "first node" of claim 10 refers to a graphical program node that may be included in a block diagram portion of the graphical program, as opposed to the user interface portion. For example, page 26, lines 10-11 read: "different graphical programming development environments provide different nodes for inclusion in a block diagram"; page 4, lines 3-5 read: "During creation of the block diagram portion of the graphical program, the user may select various function nodes or icons that accomplish his desired result and connect the function nodes together." These are but a few example passages indicating the nature and use of graphical program nodes in block diagrams.

Nowhere does McDonald teach or suggest "displaying a graphical user interface (GUI) associated with the first node, wherein the GUI comprises information useable in guiding a user in specifying desired functionality for the first node; receiving user input to the GUI specifying desired functionality for the first node; programmatically including graphical source code associated with the first node in the graphical program, wherein the

programmatically included graphical source code implements the specified functionality.” In fact, nowhere does McDonald teach, suggest, or even hint at configuring a single node (of the graphical program or template) via a GUI. Rather, McDonald discloses configuration of a user interface element, e.g., a “control or object”, and/or configuration of a graphical code portion, where the configuration is specifically *not* described as being performed on a “per node” basis. Thus, Applicant respectfully submits that McDonald fails to teach all of the features and limitations of claims 10 and 28.

Thus, for at least the reasons presented above, Applicant respectfully submits that claims 10 and 28 and those claims respectively dependent thereon are patently distinct and non-obvious over McDonald, and are thus allowable.

Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

## CONCLUSION


In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-52400/JCH.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

Respectfully submitted,

  
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